

STEPHANIE M. HINDS (CABN 154284)  
United States Attorney

THOMAS A. COLTHURST (CABN 99493)  
Chief, Criminal Division

JEFF SCHENK (CABN 234355)  
JOHN C. BOSTIC (CABN 264367)  
ROBERT S. LEACH (CABN 196191)  
KELLY I. VOLKAR (CABN 301377)  
Assistant United States Attorneys

150 Almaden Boulevard, Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5061  
Fax: (408) 535-5066  
Kelly.Volkar@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	Case No. 18-CR-00258 EJD
	)	
Plaintiff,	)	STIPULATION REGARDING
	)	SCHEDULE FOR RESTITUTION HEARING AND
v.	)	HEARING ON MOTION FOR RELEASE
	)	PENDING APPEAL AND [PROPOSED] ORDER
RAMESH "SUNNY" BALWANI,	)	
	)	
Defendant.	)	
	)	

**STIPULATION**

On December 7, 2022, the Court imposed sentence in this matter. During the hearing, the Court asked that the parties to meet and confer regarding a restitution hearing date.

On January 9, 2023, the defendant filed a Motion for Release Pending Appeal (ECF No. 1711).

At the Court's request, the parties have met and conferred regarding a restitution hearing date, as well as a date for hearing of the Motion for Release Pending Appeal. In consideration of the Court's and counsel's availability, the parties' desire to conduct the hearings on the same date to promote efficiency, and the government's need for time to consult with victims or their counsel and to review relevant

authorities regarding restitution, particularly in light of the Court's findings regarding loss for purposes of the Sentencing Guidelines during the sentencing, the parties hereby stipulate to and jointly request that the Court set the following schedule:

1/9/2023: Defendant's Motion for Release Pending Appeal due

1/30/2023: Government's opposition to defendant's Motion for Release Pending Appeal due

1/30/2023: Government's brief in advance of restitution hearing due

2/10/2023: Defendant's reply in support of his Motion for Release Pending Appeal due; and  
Defendant's response to Government's restitution brief due

2/17/2023: Hearing on defendant's Motion for Release Pending Appeal and on restitution.

The parties recognize that 18 U.S.C. § 3664(d)(5) provides "the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing." 18 U.S.C. § 3664(d)(5). The proposed February 17 date is within 90 days of Mr. Balwani's sentencing. Nevertheless, for the avoidance of any doubt, the parties stipulate and agree there is good cause to conduct the restitution hearing on February 17, 2023, and that the Court retains authority to determine and impose restitution at or promptly following the hearing on February 17, 2023. *See Dolan v. United States*, 560 U.S. 605, 608, 611 (2010). The defendant consents to holding the restitution hearing on February 17, 2023, and waives any objection based on 18 U.S.C. § 3664(d)(5).

IT IS SO STIPULATED.

DATED: January 10, 2023

Respectfully submitted,

STEPHANIE M. HINDS  
United States Attorney

/s/ Kelly I. Volkar  
ROBERT S. LEACH  
JEFF SCHENK  
JOHN C. BOSTIC  
KELLY I. VOLKAR  
Assistant United States Attorneys

1 DATED: January 10, 2023

/s/ Jeffrey B. Coopersmith  
JEFFREY B. COOPERSMITH  
AMY WALSH  
STEPHEN A. CAZARES  
Attorneys for Defendant Ramesh “Sunny”  
Balwani

6 **[PROPOSED] ORDER**

7 Based upon the stipulation of the parties and the record, and good cause shown, the schedule  
8 proposed by the parties above is adopted. The Court finds good cause to hold the hearing on the Motion  
9 for Release Pending Appeal and the restitution hearing on February 17, 2023.

10 IT IS SO ORDERED.

12 DATED: \_\_\_\_\_

HON. EDWARD J. DAVILA  
United States District Judge